

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER, State Bar No. 101336
Supervising Deputy Attorney General
3 RITA M. LANE
Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101

5 P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2614
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2009-147

14 **AARON MAURICE TAYLOR**
15 783 Vista San Javier
San Diego, CA 92154

A C C U S A T I O N

16 Registered Nurse License No. 388850

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 **Registered Nurse License**

25 2. On or about August 31, 1985, the Board issued Registered Nurse License
26 Number 388850 to Aaron Maurice Taylor ("Respondent"). The Registered Nurse License will
27 expire on March 31, 2009, unless renewed.

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3. Business and Professions Code (“Code”) section 2750 provides, in

4. Code section 2764 provides, in pertinent part, that the expiration of a

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

6. Code section 2762 states, in pertinent part:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

7. Code section 4022 provides, in pertinent part,

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

8. Code section 4060 provides, in pertinent part,

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

9. Health and Safety Code section 11173, subdivision (a), provides:

No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

COST RECOVERY

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

11. **“Ativan,”** a brand of lorazepam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(13), and is a dangerous drug within the meaning of Code section 4022, in that under federal law it requires a prescription.

12. **“Demerol,”** a brand of meperidine hydrochloride, a derivative of pethidine, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (c)(17), and is a dangerous drug within the meaning of Code section 4022, in that under federal law it requires a prescription.

13. **“Dilaudid,”** A brand of hydromorphone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(K), and is a dangerous drug within the meaning of Code section 4022, in that under federal law it requires a prescription.

1 14. **"Fentanyl,"** or **"Sublimaze,"** a brand of fentanyl citrate, is a Schedule II
2 controlled substance as designated by Health and Safety Code section 11055, subdivision (c)(8),
3 and is a dangerous drug within the meaning of Code section 4022, in that under federal law it
4 requires a prescription.

5 15. **"Haldol,"** a brand of haloperidol, is a dangerous drug within the meaning
6 of Code section 4022, in that under federal law it requires a prescription.

7 16. **"Morphine"** is a Schedule II controlled substance as designated by Health
8 and Safety Code section 11055, subdivision (b)(1)(M), and is a dangerous drug within the
9 meaning of Code section 4022, subdivision (a), in that under federal law it requires a
10 prescription.

11 17. **"Phenergan"** is a dangerous drug within the meaning of Code section
12 4022, in that under federal law it requires a prescription.

13 18. **"Vistaril,"** a brand of hydroxyzine hydrochloride, is a dangerous drug
14 within the meaning of Code section 4022, in that under federal law it requires a prescription.

15 19. **"Ventolin,"** a brand of albuterol sulfate, is a dangerous drug within the
16 meaning of Code section 4022, in that under federal law it requires a prescription.

17 **FIRST CAUSE FOR DISCIPLINE**

18 (Obtain and Possess Controlled Substances in Violation of Law, and Self-Administer)

19 20. Respondent's registered nurse license is subject to disciplinary action
20 under Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in
21 Code section 2762, subdivision (a), in that between February 2005, and July 31, 2005, while
22 employed as a registered nurse at Paradise Valley Hospital ("PVH") in National City, California,
23 Respondent did the following:

24 a. Respondent obtained the controlled substances Demerol, Dilaudid,
25 Fentanyl, Morphine, Ativan, and Phenergan by fraud, deceit, misrepresentation or subterfuge in
26 violation of Health and Safety Code section 11173, subdivision (a), by taking the drugs from
27 PVH's hospital supplies.

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b. Respondent possessed the controlled substances Demerol, Dilaudid, Fentanyl, Morphine, Ativan, Phenergan in violation of Code section 4060.

c. Respondent self-administered the controlled substances Demerol, Dilaudid, Fentanyl, Morphine and Phenergan without direction from a licensed physician, surgeon, dentist or podiatrist.

d. Respondent obtained the dangerous drugs Haldol, Vistaril, and Ventolin without a prescription in violation of 4022 and without direction from a licensed physician, surgeon, dentist or podiatrist.

e. Respondent possessed the dangerous drugs Haldol, Vistaril, and Ventolin without a prescription in violation of 4022 and without direction from a licensed physician, surgeon, dentist or podiatrist.

SECOND CAUSE FOR DISCIPLINE

(False or Grossly Inconsistent Entries in Hospital or Patient Records)

21. Respondent's registered nurse license is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (e), in that between February 2005, and July 31, 2005, while working as a registered nurse at PVH, Respondent falsified or made grossly incorrect entries in hospital or patient records, including, but not limited, to the following:

Patient 1

a. On or about July 5, 2005, at 2043 hours, Respondent signed out 10 mg. of Morphine from the Pyxis dispenser for this patient without a physician's order, and failed to chart the administration or wastage of the Morphine in any patient or hospital record or otherwise account for the disposition of the drug.

Patient 2

b. On or about July 5, 2005, at 2044 hours, Respondent signed out 2 mg. of Ativan from the Pyxis dispenser for this patient and charted the administration of 1 mg. of Ativan to this patient at 2055 hours. Respondent failed to chart the administration of 1 mg. of the remaining Ativan in any patient or hospital record or otherwise account for the disposition of

1 the drug.

2 c. On or about July 5, 2005, at 2044 hours, Respondent signed out 5 mg. of
3 Haldol from the Pyxis dispenser for this patient and charted the administration of 2 mg. of
4 Haldol at 2055 hours. Respondent failed to chart the administration of 3 mg. of the remaining
5 Haldol in any patient or hospital record or otherwise account for the disposition of the drug.

6 **Patient 3**

7 d. On or about July 6, 2005, at 0030 hours, Respondent signed out 10 mg. of
8 Morphine from the Pyxis dispenser for this patient and charted the administration of 2 mg. of
9 Morphine at 0040 hours. Respondent failed to chart the administration of 8 mg. of the remaining
10 Morphine in any patient or hospital record or otherwise account for the disposition of the drug.

11 e. On or about July 6, 2005, at 0030 hours, Respondent signed out 2 mg. of
12 Ativan from the Pyxis dispenser for this patient and charted the administration of 1 mg. of
13 Ativan at 0040 hours. Respondent failed to chart the administration of 1 mg. of the remaining
14 Ativan remaining in any patient or hospital record or otherwise account for the disposition of the
15 drug.

16 **Patient 4**

17 f. On or about July 6, 2005, at 1937, Respondent signed out 4 mg. of
18 Dilaudid from the Pyxis dispenser for this patient and charted the administration of 2 mg. of
19 Dilaudid at 1945 hours to this patient, exceeding the physician's order. Respondent failed to
20 chart the administration of 2 mg. of the remaining Dilaudid in any patient or hospital record or
21 otherwise account for the disposition of the drug.

22 g. On or about July 6, 2005, at 2039 hours, Respondent signed out 50 mg. of
23 Vistaril from the Pyxis dispenser for this patient without a physician's order, and failed to chart
24 the administration or wastage of the Vistaril in any patient or hospital record or otherwise
25 account for the disposition of the drug.

26 h. On or about July 6, 2005, at 2057, Respondent signed out 100 mg. of
27 Demerol from the Pyxis dispenser for this patient without a physician's order, and failed to

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1 chart the administration or wastage of the Demerol in any patient or hospital record or otherwise
2 account for the disposition of the drug.

3 **Patient 5**

4 i. On or about July 15, 2005, at 1947, Respondent signed out 4 mg. of
5 Dilaudid from the Pyxis dispenser for this patient without a physician's order, and failed to chart
6 the administration or wastage of the Dilaudid in any patient or hospital record or otherwise
7 account for the disposition of the drug.

8 **Patient 6**

9 j. On or about July 17, 2005, at 0153, Respondent signed out 2 mg. of
10 Dilaudid from the Pyxis dispenser for this patient without a physician's order, and failed to chart
11 the administration or wastage of the Dilaudid in any patient or hospital record or otherwise
12 account for the disposition of the drug.

13 k. On or about July 17, 2005, at 0153, Respondent signed out 200 mg. of
14 Sublimaze (Fentanyl) from the Pyxis dispenser for this patient without a physician's order, and
15 failed to chart the administration or wastage of the Sublimaze in any patient or hospital record or
16 otherwise account for the disposition of the drug.

17 **Patient 7**

18 l. On or about July 17, 2005, at 1919, Respondent signed out 4 mg. of
19 Dilaudid from the Pyxis dispenser for this patient without a physician's order, and failed to chart
20 the administration or wastage of the Dilaudid in any patient or hospital record or otherwise
21 account for the disposition of the drug.

22 **Patient 8**

23 m. On or about July 20, 2005, at 2345, Respondent signed out 2 mg. of
24 Ativan from the Pyxis dispenser for this patient and charted the administration of 1 mg. of
25 Ativan to this patient at 2350 hours, without a physician's order. Respondent failed to chart the
26 administration of 1 mg. of Ativan remaining in any patient or hospital record or otherwise
27 account for the disposition of the drug.

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Patient 9

n. On or about July 21, 2005, at 0542, Respondent signed out 2 mg. of Dilaudid from the Pyxis dispenser for this patient without a physician's order. Respondent failed to chart the administration or wastage of the Dilaudid in any patient or hospital record or otherwise account for the disposition of the drug.

Patient 10

o. On or about July 22, 2005, at 0429 hours, Respondent signed out 2 mg. of Dilaudid from the Pyxis dispenser, and at 0505 hours, Respondent signed out an additional 6 mg. of Dilaudid. Respondent charted the administration of 3 mg. of Dilaudid to this patient at 0435. Respondent failed to chart the administration or wastage of 5 mg. of the remaining Dilaudid in any patient or hospital record or otherwise account for the disposition of the drug.

p. On or about July 22, 2005, at 0104 hours, Respondent signed out 100 mg. of Demerol from the Pyxis dispenser for this patient, and charted administration of 50 mg. of Demerol at 0130, and 50 mg. of Demerol at 0201 hours, to this patient without a physician's order.

Patient 11

q. On or about July 22, 2005, at 1953, Respondent signed out 4 mg. of Dilaudid from the Pyxis dispenser for this patient without a physician's order. Respondent failed to chart the administration or wastage of the Dilaudid in any patient or hospital record or otherwise account for the disposition of the drug.

Patient 12

r. On or about July 23, 2005, at 0328, Respondent signed out a 20 ml. bottle of Ventolin from the Pyxis dispenser for this patient without a physician's order, and failed to chart the administration or wastage of the Ventolin in any patient or hospital record or otherwise account for the disposition of the drug.

Patient 13

s. On or about July 25, 2005, at 1936, Respondent signed out 4 mg. of Dilaudid from the Pyxis dispenser for this patient. Respondent failed to chart the administration

1 or wastage of the Dilaudid in any patient or hospital record or otherwise account for the
2 disposition of the drug.

3 **Patient 14**

4 t. On or about July 25, 2005, at 2007, Respondent signed out 2 mg. of
5 Dilaudid from the Pyxis dispenser for this patient without a physician's order. Respondent failed
6 to chart the administration or wastage of the Dilaudid in any patient or hospital record or
7 otherwise account for the disposition of the drug.

8 **Patient 15**

9 u. On or about July 25, 2005, at 2315, Respondent signed out 4 mg. of
10 Dilaudid from the Pyxis dispenser for this patient without a physician's order. Respondent failed
11 to chart the administration or wastage of the Dilaudid in any patient or hospital record or
12 otherwise account for the disposition of the drug.

13 **Patient 16**

14 v. On or about July 25, 2005, at 0023, Respondent signed out 4 mg. of
15 Dilaudid from the Pyxis dispenser for this patient without a physician's order. Respondent failed
16 to chart the administration or wastage of the Dilaudid in any patient or hospital record or
17 otherwise account for the disposition of the drug.

18 **Patient 17**

19 w. On or about July 27, 2005, at 0659, Respondent signed out 4 mg. of
20 Dilaudid from the Pyxis dispenser for this patient without a physician's order. Respondent failed
21 to chart the administration or wastage of the Dilaudid in any patient or hospital record or
22 otherwise account for the disposition of the drug.

23 **THIRD CAUSE FOR DISCIPLINE**

24 (Administer Controlled Substances Without a Prescription)

25 22. Respondent's registered nurse license is subject to disciplinary action
26 under Code section 2761, subdivision (a), on the grounds of professional conduct as defined in
27 Code section 2762, subdivision (a), in that on or about July 22, 2005, at 0104 hours, while
28 working as a licensed registered nurse at PVH, Respondent administered 50 mg. of Demerol, a

1 controlled substance, at 0130 hours, and 50 mg. of Demerol at 0201 hours, to Patient 10 without
2 direction from a licensed physician, surgeon, dentist or podiatrist.

3 **PRAYER**


4 **WHEREFORE**, Complainant requests that a hearing be held on the matters
5 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 388850,
7 issued to Aaron Maurice Taylor;

8 2. Ordering Aaron Maurice Taylor to pay the Board of Registered Nursing
9 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section
10 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: 12/22/08

13 
14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant

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